

REMARKS

This Response is in reply to the Examiner's comments regarding Applicant's transversal of the election/restriction made in Applicant's reply filed on February 5, 2009. Applicant wishes to correct the contradictory remarks made in Applicant's previous reply. The typographical error regarding the statement of a single inventive concept has been corrected.

In response to the restriction requirement, Applicant elects to prosecute in this patent application Invention I, claims 44-68, drawn to a method for conditioning ambient air in a room inside a building whereby the thermal content of the ambient air in the room is modified by the arrangement of latent heat accumulator bodies inside the room wherein the incoming air underneath the latent accumulator bodies is blown out by using the Koanda effect. This response is made with traverse, and it is urged that Inventions I (claims 44-68), II (claims 69-72), III (claims 73-81, 89-90), IV (claims 82-87) and V (claim 88) be examined together. Reconsideration is respectfully requested.

The Examiner indicated that the inventions are distinct. On the contrary, the methods of Invention II are necessarily used by the methods of Inventions I, III, IV and V. As such, the search directed to non-elected Inventions II, III, IV and V will overlap a search strategy directed to the elected Invention I. Accordingly, Applicant urge that there would not be an undue burden upon the Examiner to search and consider Inventions I, II, III, IV and V at the same time.

The Examiner indicated that the inventions listed in Inventions I, II, III, IV and V do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. However, the technical feature of the present invention is described in claims 44-68 in Invention I. Specifically, the method of claims 44-68 produce conditioned ambient air in a room of a building in terms of heat and/or cold and optimal

humidity. Incoming air flows into the room of the building and outgoing air is conducted out of the room of the building. The ambient air in the room is modified in its thermal content by arrangement of latent heat accumulator bodies located in the room of the building. The method provides for forming an incoming air flow via a separate duct, and the incoming air underneath latent heat accumulator bodies is blown out by utilization of the Koanda effect along the latent heat accumulator bodies. Air is sucked in parallel to the surface of the latent heat accumulator bodies and a forced flow is effected--above--along the latent heat accumulator bodies.

Thus, Inventions I, II, III, IV and V relate to a single general inventive concept under PCT Rule 13.1 by sharing the same or corresponding special technical features.

In addition, the Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact “[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” (Emphasis added; Manual of Patent Procedure, § 803, second paragraph).

Thus, for reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present restriction requirement.

REJOINDER

Applicant reserves the right to request rejoinder of all appropriate claims removed by the Examiner in the event that the traversal is not found to be persuasive.

FEES

This response is being filed within the shortened period for response. No fee is believed to be required. If, on the other hand, it is determined that any fees are due or any overpayment

was made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account Number 02-2275.

Any early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP

A handwritten signature in black ink, appearing to read 'Michael N. Mercanti', is written over a horizontal line.

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